

1 DANIEL JOHNSON, Jr. (State Bar No. 57409)  
2 DIANE MASON (State Bar No. 168202)  
3 MORGAN, LEWIS & BOCKIUS LLP  
4 One Market, Spear Street Tower  
5 San Francisco, CA 94105-1126  
6 Tel: 415.442.1000  
7 Fax: 415.442.1001  
8 Email: [djohnson@morganlewis.com](mailto:djohnson@morganlewis.com)  
9 [dmason@morganlewis.com](mailto:dmason@morganlewis.com)

10 Attorneys for Defendants  
11 DEPUY, INC. and DEPUY SPINE, INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 SPOTLIGHT SURGICAL, INC.,

16 Plaintiff,

17 vs.

18 DEPUY, INC. AND DEPUY SPINE, INC.,

19 Defendants.

Case No. CV 07-03362 JF RS

**STIPULATION TO EXTEND THE DATE  
FOR DEFENDANTS DEPUY, INC.'S AND  
DEPUY SPINE, INC.'S RESPONSE TO  
COMPLAINT**

20 Plaintiff Spotlight Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc. are  
21 actively negotiating a settlement. Accordingly, the parties previously stipulated that Defendants  
22 had an extension of time up to and including February 27, 2008 to answer or otherwise respond to  
23 Plaintiff's Complaint for Injunctive Relief and Damages for (1) Federal Unfair Competition (15  
24 U.S.C. § 1125(a)); (2) California Unfair Competition (B&P Code § 17200); (3) Common Law  
25 Unfair Competition.

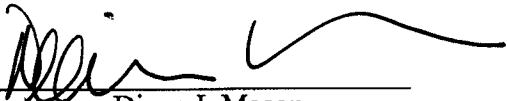
26 The parties have now reached an agreement in principle and hope to be able to finalize  
27 their settlement shortly. Thus, the parties, by and through their undersigned attorneys, hereby  
28 stipulate and agree that Defendant shall have an additional extension of thirty days (30) days to  
answer or otherwise respond to Plaintiff's Complaint, up to and including March 28, 2008.

This will be the seventh extension of time entered in this case. This stipulation is not

1 entered into for any purposes of delay. Rather, the parties have a good faith belief that they will  
2 shortly settle this matter and, under such circumstances, do not wish to unnecessarily expend  
3 either the Court's or their time and resources on further litigation.

4 Dated: February 28, 2008

MORGAN, LEWIS & BOCKIUS LLP

5  
6 By   
Diane J. Mason

7  
8 Attorneys for Defendant DEPUY, INC. and  
DEPUY SPINE, INC.

9  
10 Dated: February 28, 2008

HELLER EHRMAN LLP

11  
12 By   
Harold J. Milstein

13 Attorneys For Plaintiff SPOTLIGHT  
14 SURGICAL, INC.

15  
16 PURSUANT TO STIPULATION, IT IS SO ORDERED

17  
18 Dated: \_\_\_\_\_

19 \_\_\_\_\_  
The Honorable Jeremy Fogel  
United States District Judge